

**Gallatin County Interim Zoning Gravel Pit Task Force
Minutes July 29, 2009**

Date: July 29, 2009

Time: 6:30 AM

- Belgrade City Hall, 91 E. Central

Task Force Members Present: Don Seifert, Shane Skinner, Sandy Lee, Dick Huttinga, Jackie Flikkema, Rich Morse (via phone), Ron Pike, Alvin VanderVos,

Task Force Members Absent: Drew Jenkins,

County Staff/Personnel Present: Heidi Jensen, Tom Rogers

County Commissioners Present: None

Public Present: Jerry Rice

Meeting commenced at 6:36 AM

No public comment.

Heidi went through what was happening with the Interim Regulations and the status with the Gallatin County Attorney's Office. I also went through the changes we made to the recommendations to the Commission, and explained what the documents on the table were.

Don discussed with Tom about the Class II. Don believes Jackie's interpretation of Class II needing to go through the full CUP process. Tom discussed how it would have been helpful to have the road improved, with the Zuelke Pit. Don would like to visit a bit as to where we are with the classification system, and see if it would work and if we should continue. Is it something we should continue working on and recommend to the Commission. Don took a straw poll to see where everyone is. He asked how many people thought we should continue discussing the classification system. Rich asked if we were talking about classification as a whole or the one we have. He said his hand was in the air. Sandy, Shane, Rich, Alvin, Ron, Dick and Don were okay with continued discussion of a classification system. Jackie does not wish to continue. Majority ruled and we continued. Don asked if anyone had an issue with Class I? Jackie asked what the cubic yards were? Tom referenced the recommendations and how it prescribed 15,000 cu/yd. He said according to Neil Harrington and Jo Stephen there is no specific number. Jackie was not sure that was correct. She has seen it in some documentation she has received before. Tom said that may be but it is definitely open to interpretation. Interpretation may have evolved after the last Legislative session. Tom asked if it was large enough to build a large structure, a box store or a mall? Ron said it shouldn't

matter on-site is on-site. Jackie wished to have it say somewhere on-site because it did not. Don asked what on-site meant? Jackie said it was project specific. Tom brought up under permitted activity in the definition that said extraction only, processing is not allowed. Jackie said that she wanted to follow DEQ process. Tom said this discussion was to protect the operator. Jackie said she thought it was up to the business of the operator. Shane thought the review would show that the excess was being moved off since it was unusable. Ron talked about over by the airport where they are screening it and then putting it back on-site. Don asked if asphalt was processing. Tom said yes, screening and sorting was extraction. Jerry said the public does not know the difference between screening and crushing it all makes noise. TF group nod. Jackie asked to say something other than processing, say process defined under air quality permit act. A screen does not require an air quality permit but crushing does. Tom suggested listing the items to not be used since the equipment list is not that significant. Rich asked if crushing was allowed on-site if nothing was being sold? All operators said no and air quality permit was needed. Tom asked about a wash plant? Jackie said it does not have anything to do with the air. Ron listed what you needed for a wash plant. Don asked if we could define process and put an asterisk and is for processing is not allowed put crushing, batching, concrete or anything that may require an air quality permit. Jackie did point out a good point that this is only a 2-year permit. She asked how long Wal-Mart took? She does not know if we want to put through the completion of the project instead of 2-years. She does not want to see someone fined for having topsoil sitting there. Tom had one quick point on that there are no extensions currently allowed. He would suggest that people would want to know if something started up again instead of just allowing things to stop and start. Jackie said that a lot of things have to be done to get a C of O. Don asked about out by Rosauers and the piles sitting around there where an additional shopping center would be. Do we need to allow for something like that and allow for extensions? Status of the economy could be the driver. So instead of no extensions include life of the project. Notices to appropriate planning departments. Alvin asked about limiting extensions. Ron talked about over by Target where development stopped and piles have been sitting for two years. Extension language changed to "may be allowed." Tom asked if this went with the land? The project is completed and there are huge stockpiles, then it falls to the landowner? Don asked if the operators are doing a construction project you don't need a DEQ permit you are just fulfilling a contract? Jackie said unless it said specifically in the contract get a permit the landowner is in charge. Ron said that sometimes to cover themselves they will get the permit just to ensure they are covered. Jackie thought there might need to be something in there about a project being complete. There was a group discussion about operator vs. landowner. Tom talked about the administrative forms. We (planning) will always ask for the owner and the contractor. The original intent of this category was to protect the operator. If operator wants this and you think it could be advantageous to get this, then it is your idea. Rich was wondering if we could get rid of this classification all together and just have a definition? Tom said, well yes we probably could. He suggested that the TF should keep this as an option. This may be a good back-up for the operator should they be building in a particular area of the County. Don asked if we could put on LUP's a box that asks for a Class I gravel permit? Heidi believes that you could since nothing has started on property yet. However, there are snags that we may run into. Don said let's

put option on it. Rich said we could just have it say exempt uses instead of calling it Class I.

Don moved on to Class II. Perhaps it could be removed and everything becomes a full review for a CUP. Rich has a question as to exactly why temporary pits need to go through the CUP? If the temporary class pit does have to go through DEQ does it have to go through review of infrastructure? Ron said that any pit that goes through has to do a TIS, H2O quality, etc. Tom said that what the operators brought up were impacts and the fairness factor. Ron talked about how Tom just went through the process with the Zuelke Pit what did he think, what are the valid points? The reality would have been higher taxes due to the impacts of the pit. The idea was great but it did not get to the meat of the problems. The scrutiny was not there. Group discussion as to removing the Class and the word temporary. Don brought up permit creep. Jackie does not like discussing permit creep and the right of the landowner. Don does not think there was ever the intent to discourage operations on a specific site. Rich said he thought the intent was to give the neighbors assurance and ease for the operators to get a permit. It is important to note the pit could be opened again but the CUP process would need to have to be gone through again. It would eliminate permit creep. Rich thought the key part was to require it to be reclaimed. If another job came in the neighborhood a few years down the road it could be re-opened.

At 8:30 AM Don stopped the discussion. Rich said we can certainly go with just a total Class III. He is confused why there is objection to an easier process, for a site specific process? Jackie said the people at the table do not want an easy option, hold the standard higher. The operators are asking for higher standards. Don challenged everybody for next week, if perceived permit creep is a problem, and if the neighbors are concerned. How do we address perceived permit creep? With the development plan for a site? Jackie said we have been trying to stop permit creep but you can re-open a pit then how is the issue being addressed? Don said he would say permit creep is a pit that has never been closed and continues time. Jackie said you can never completely close the floor. Don asked to think about having a development plan that would let the public know where the operation is going. Don was talking about the parcel they are working on. Don asked if you just leased the permit area? Ron said yes, for example at the Story Pit he doesn't tell the property owner what he can and can not do. Don said the issue is that predictability is not there. It has been noted the County can not prohibit an operation, but they can condition it. Don picked on Ron and said if we can only condition where he is at on the Story Pit for example, if he was a bad operator and had 100 acres that had not been reclaimed and he wanted to have another permit would it be reasonable that part of your permit would be to reclaim. How do you have predictability? Jackie asked for the same thing?

Meeting adjourned at 8:35 AM.